

Garrett S. Garfield, WSBA No. 48375
E-mail: garrett.garfield@hklaw.com
HOLLAND & KNIGHT LLP
601 SW Second Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300
Fax: 503.241.8014

Hon. Mary Jo Heston
Chapter 11
Hearing Date: 01/14/2021
Hearing Time: 9:30 a.m.
Hearing Location: Telephonic
Tel. 1-888-363-4749, Access Code
5635947#, security code 3887#
Response Date: 01/07/2021

Attorneys for Creditor Cerner Middle East Limited

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

VANDEVCO LIMITED and ORLAND LTD.,
Debtors.

Case Nos:

20-42710-MJH (Lead Case)

20-42711-MJH (Jointly administered under
Case No. 20-42710-MJH)

**MOTION TO MODIFY THE
AUTOMATIC STAY TO PROCEED
WITH NONBANKRUPTCY
LITIGATION**

NOTICE

TO ALL INTERESTED PARTIES, PLEASE TAKE NOTICE that Cerner Middle East Limited's Motion To Modify the Automatic Stay to Proceed with Nonbankruptcy Litigation is set for hearing on January 14, 2021 at 9:00 a.m. The hearing will be conducted telephonically and you may appear by calling 1-888-363-4749, Access Code 5635947#, security code 3887#. Any party opposing the motion must file and serve a written response by the January 7, 2021 response date and if no response is filed by the response date, the court may in its discretion grant the motion prior to the hearing without further notice.

MOTION

Pursuant to 11 U.S.C. § 362(d), Cerner Middle East Limited, by and through its counsel, Holland & Knight LLP, moves this Court for an Order modifying the automatic stay to permit Cerner and Debtor to proceed with nonbankruptcy litigation in Washington state court, which

MOTION TO MODIFY AUTOMATIC STAY
CASE NO. 20-42710-MJH – PAGE 1

HOLLAND & KNIGHT LLP
601 SW Second Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300

1 litigation was scheduled for a continuing evidentiary hearing the day following Debtor's
2 bankruptcy filing. The accompanying Memorandum and Declaration of Garrett S. Garfield support
3 this Motion. A proposed form of order granting this motion is attached as **Exhibit A**.

4 DATED December 21, 2020.

5 Respectfully submitted,

6 HOLLAND & KNIGHT LLP

7 By: s/ Garrett S. Garfield

8 Garrett S. Garfield, WSBA No. 48375

9 E-mail: garrett.garfield@hklaw.com

601 SW Second Avenue, Suite 1800

Portland, OR 97204

10 Telephone: 503.243.2300

Fax: 503.241.8014

11 *Attorneys for Creditor Cerner Middle East Limited*

Exhibit A

1
2
3
4
5
6
7
8
9
10 UNITED STATES BANKRUPTCY COURT
11 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

12 In re:

13 VANDEVCO LIMITED and ORLAND LTD.,

14 Debtors.

Case Nos:

20-42710-MJH (Lead Case)

20-42711-MJH (Jointly administered under
Case No. 20-42710-MJH)

15 **ORDER MODIFYING THE**
16 **AUTOMATIC STAY TO PROCEED**
17 **WITH NONBANKRUPTCY**
18 **LITIGATION**

19 Upon the Motion (“**Motion**”) of Cerner Middle East Limited (“**Cerner**”) seeking
20 modification of the automatic stay to proceed with nonbankruptcy litigation against debtor
21 Vandevco Limited (“**Vandevco**”) in the case styled *Cerner Middle East Limited v. Belbadi*
22 *Enterprises*, Clark County Case No. 16-2-01395-7 (the “**Litigation**”), pending before the Superior
23 Court of Washington, Clark County (“**Clark County Superior Court**”), as well as the December
24 21, 2020 Declaration of Garrett S. Garfield and Cerner’s Memorandum of Points and Authorities
25 both in support of the Motion, and the hearing and all proceedings and pleadings before the Court
26 in connection with the Motion; the Court having jurisdiction over this matter pursuant to 28 U.S.C

ORDER MODIFYING AUTOMATIC STAY
CASE NO. 20-42710-MJH – PAGE 1

HOLLAND & KNIGHT LLP
601 SW Second Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300

§§1334 and 157(b); due and proper notice of the Motion, presentation of this Order, and the hearing on the Motion being provided, and no other or further notice being necessary; and any objections to the relief presented and provided in this Order having been withdrawn and/or overruled on the merits:

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED as set forth herein;
2. Pursuant to section 362(d)(1) of the Bankruptcy Code, the automatic stay shall be modified to permit all parties to proceed with the Litigation in the Clark County Superior Court, for purposes of the determination of liability and enforcement of any and all orders entered in the Litigation;
3. This Order shall be immediately effective upon entry on the docket in this case; the 14-day stay provided by Fed. R. Bankr. P 4001(a)(3) is hereby waived;
4. This Order is binding against all parties in these chapter 11 cases;
5. Cerner is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order; and
6. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement, or interpretation of this Order.

/// End of Order ///

Presented by:

HOLLAND & KNIGHT LLP

By: s/ Garrett S. Garfield
Garrett S. Garfield, WSBA No. 48375
E-mail: garrett.garfield@hkllaw.com
601 SW Second Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300
Fax: 503.241.8014

Attorneys for Creditor Cerner Middle East Limited

ORDER MODIFYING AUTOMATIC STAY
CASE NO. 20-42710-MJH – PAGE 2

HOLLAND & KNIGHT LLP
601 SW Second Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300